UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

THOMAS E. PEREZ,)
SECRETARY OF LABOR,) FILE NO
UNITED STATES DEPARTMENT OF LABOR,	
)
Plaintiff,)
)
V.)
)
ANTICO FOODS, LLC, and)
GIOVANNI DIPALMA,)
)
Respondent.	

[PROPOSED] TEMPORARY RESTRAINING ORDER

This matter comes before the Court on Plaintiff's Application for Temporary Restraining Order and Order for Defendants to Show Cause Why a Preliminary Injunction Should Not Issue pursuant to Rule 65 of the Federal Rules of Civil Procedure. Having considered the Secretary of Labor's application for a Temporary Restraining Order and having found irreparable harm, and a likelihood of success on the merits on the retaliation claim, it is hereby:

1. ORDERED that Defendants ANTICO FOODS, LLC and GIOVANNI DIPALMA are enjoined from terminating or threatening to terminate, causing any employee to be deported or threatening to cause any employee to be deported, or retaliating or discriminating in any way against current and former employees of Antico Foods, LLC based on Defendants' belief that an employee spoke with or intends to speak with a Department of Labor Wage and Hour investigator, filed a complaint with the Department of Labor, or cooperated in any way in the Wage Hour investigation currently being conducted of Antico Foods, LLC.

- 2. ORDERED that Defendants ANTICO FOODS, LLC and GIOVANNI DIPALMA are enjoined from telling anyone who works for them not to speak to representatives of the Secretary or to provide false information to the Secretary or otherwise coerce employees to make false statement regarding the terms and conditions of their employment;
- 3. ORDERED that Defendants ANTICO FOODS, LLC and GIOVANNI DIPALMA are enjoined from obstructing the Secretary's investigation in any manner;
- 4. ORDERED that Defendants ANTICO FOODS, LLC and GIOVANNI DIPALMA are required to permit a designee of the Secretary, to read aloud in English and Spanish the following statement to all employees of Antico Foods, LLC during paid work hours informing them of their right to speak, without retaliation or threats of retaliation or intimidation, with Wage and Hour investigators regarding the instant investigation;

You are protected by the Fair Labor Standards Act and have the right to participate freely in the U.S. Department of Labor's investigation into your employer's pay practices. You have the right to speak freely with investigators or other officials from the Department of Labor. Your employer is prohibited from retaliating against you in any way, including termination, because you spoke with the Department of Labor.

The U.S. District Court for the Northern District of Georgia has ordered Giovanni DiPalma, and anyone acting on his behalf, to cease coercing, retaliating against, threatening to retaliate against, intimidating, or attempting to influence or in any way threatening employees for providing information to the Department of Labor. The Court has prohibited Giovanni DiPalma from contacting or communicating

with employees of Antico Foods concerning any communication between employees and the Department of Labor.

Usted está protegido por la Ley de Normas Justas de Trabajo y tiene el derecho de participar libremente en la investigación del Departamento de Trabajo sobre las prácticas de pago por parte de su patrono. Usted tiene el derecho de hablar libremente con investigadores u otras personas del Departamento de Trabajo. Su empleador está prohibido de hacer represalias contra de usted de cualquier manera incluyendo la terminación de usted, porque usted habló con el Departamento de Trabajo.

El Tribunal Federal de Distrito Norte de Georgia ha ordenado que Giovanni diPalma, y cualquier persona que actúe en el nombre de él, cesen coerción ,tomar represalias en contra, amenazar con tomar represalias en contra, intimidación, intentar influir o amenazar de cualquier manera los empleados por dar información al Departamento de Trabajo. El Tribunal ha prohibido que la señor DiPalma contacte o comunique con empleados de Antico Foods acerca de cualquier comunicación entre ellos y el Departamento de Trabajo.

- 5. ORDERED that Defendants ANTICO FOODS, LLC and GIOVANNI DIPALMA are required to post at each Antico Foods, LLC worksite a hard copy of the statement referred to in ¶ 4 above, in both English and Spanish;
- 6. ORDERED that Defendants ANTICO FOODS, LLC and GIOVANNI DIPALMA are prohibited from speaking directly to employees of Antico Foods, LLC either directly or

through another person acting on his behalf, regarding any communication any employee has or will have with the Secretary about the pending investigation by Wage and Hour;

- 7. ORDERED that Defendants ANTICO FOODS, LLC and GIOVANNI DIPALMA provide for costs and expenses to reimburse the Secretary in maintaining this application; and
 - 8. ORDERED all such other relief as may be appropriate, just, and proper.

SO ORDERED.	
Dated this day of, 20	014.
	United States District Judge